

166 Documents

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MAR - 5 2003

Federal Communications Commission
Office of the Secretary

Written Presentations

Chairman & Commissioners

02-277

From: Toni Whiteman
To: Mike Powell
Date: 2/27/03 4:24PM
Subject: FCC Meetings

I am anxious to hear if you learned anything today at the Public Hearings?
I find it very telling that you refer to citizens as consumers.

I can afford only the most basic cable, without it I get no reception on my TV in Oakland, CA. In addition to the national channels I get PBS and two other community stations. The national programming is the same on all stations. There is no choice - if I don't like insipid sitcoms, forensics, murder, more murder and more violence there **is** nothing for me to watch. The news is the same station to station and full of gimmicks to keep me through commercials. In the morning on the radio I have NPR and KPFA for real news and information although KPFA has been struggling. There is only one classical station that usually ends a concerto by Mozart with a loud very loud truck commercial or such. There is one independent FM Jazz station which I support. The rest is loud repetitive junk.

I want the news, unadulterated, uncommercialized reported daily by good journalist who are protected from the censorship of their corporate owners. Censorship is either implied or self imposed for the sake of a job. If we need private industry to run stations then protect the role of the journalist and content diversity That does mean the choice between game show #1 or game show #2 or game show #3.

I realize that an ignorant society is much easier to manipulate - the president and his cronies in the White House like it like that. Don't follow suit. Do your job - let the president save the economy - you save our democracy.

Toni Whiteman
Oakland CA

171

MAR 05 2003

Public Hearing - National Association of Broadcasters
FACILITY: 1000 10th St. S.W.
WASHINGTON, D.C. 20004

From: jeffmed
To: Mike Powell, kalernet@fcc.gov, Michael Copps, kjwebb@fcc.gov, jadelst@fcc.gov
Date: 2/27/03 8:33PM
Subject: fcc policies

I express my serious concerns that your agency has already reduced the number of news providers by permitting one owner to completely dominate a market. Your agency was very strict about making sure there were multiple owners in any one market. These rules provided true competition and the chance for better news coverage and a diversity of points of view. With the changes you have permitted it is all ready apparent there is a general level of blandness. For example there has been no report in my papers about your hearings. Only NPR radio reported you were having hearings. No editorials about your proposed changes. I assume big publishers are happy with centralization.

The support of further centralization will destroy our country in a few years. 1984 will have arrived. The FCC will have accomplished what our enemies could not do.

Centralization is contrary to the intent of the writers of the constitution.

The impression is very clear that the FCC does the bidding of major corporations, periodically talking with them privately reinforcing the phrase "everything is for sale".

Jeffrey H Harris
PO Box 361
69 Whitney Road
Harvard MA 01451

From: Robin Melavalin
To: Mike Powell
Date: 3/2/03 4:11AM
Subject: FCC protect media independence

Dear Commissioner Powell:

One of the basic elements which help to keep the American media at least partially free and independent is the set of FCC regulations restricting consolidation and monopolies

In the 2002 Biennial Review, the FCC appears to be planning to roll back many of these protective regulations: the **Newspaper/Broadcast Cross-Ownership Rule**, the **National Broadcast Ownership Cap**, the **Local Radio Ownership Rule**, the **Duopoly Rule** and the **Dual Network Rule**.

Relaxation or abandonment of the preceding rules will result in the purchase of local and independent newspapers and radio and television stations by large media giants. The cost to the American People and Democracy will be far too high if local news, reportorial freedom and access to a true variety of legitimate views are further compromised.

Commissioner Powell, I urge you to make sure the FCC does not relax or drop these vital regulatory rules.

Sincerely,

Robin S. Melavalin
West Roxbury, Massachusetts

From: Mary Nolan
To: Mike Powell
Date: 2/19/03 10:12PM
Subject: FCC protect media independence

Dear Commissioner Powell:

One of the basic elements which help to keep the American media at least partially free and independent is the set of FCC regulations restricting consolidation and monopolies.

In the 2002 Biennial Review, the FCC appears to be planning to roll back many of these protective regulations: the Newspaper/Broadcast Cross-Ownership Rule, the National Broadcast Ownership Cap, the Local Radio Ownership Rule, the Duopoly Rule and the Dual Network Rule.

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Commissioner Powell, I urge you to make sure the FCC does not relax or drop these vital regulatory rules.

Sincerely

Mary Nolan
677 President Street
Brooklyn, NY 11215

MAR 05 2003
FBI - NEW YORK
COMMUNICATIONS SECTION

From: Stephanie Billecke
To: Mike Powell
Date: 2/26/03 5:46AM
Subject: FCC promote media diversity

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Federal Communications Commission
Office of the Secretary

Dear Commissioner Powell:

Numerous reports agree that the Federal Communications **is** planning to loosen longstanding rules governing control of the media that bring news and views to the American public. This will inevitably lead to monopoly, by a few large corporate giants, of **N** stations, newspapers, and broadcast networks

I urge you, Commissioner Powell, to halt immediately any implementation of these these FCC plans that threaten public access to diverse views and information.

Sincerely,

Stephanie Billecke
1061 Cumberland Street
ST. Paul, **MN** 55117

From: walshpat@earthlink.net
To: Mike Powell
Date: 2/26/03 4:12PM
Subject: FCC Rules: Maintain diversity of ownership

It is essential, if you are to have any credibility at all, that the rules which have already been weakened astoundingly, not be weakened further

mail2web - Check your email from the web at
<http://mail2web.com/>

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**Federal Communications Commission
Office of the Secretary**

From: john a smith
To: Mike Powell
Date: 2/27/03 10:20AM
Subject: fcc regulations

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MAR - 5 2003

*Federal Communications Commission
Office of the Secretary*

Washington. DC 20554

mpowell@fcc.gov

To Michael Powell, FCC Chair
Federal Communications Commission

Diversity within the media should be a top priority for the FCC

Media concentration cripples democracy

Please preserve and refrain from weakening the rule prohibiting cross ownership of newspapers and television stations in the same market.

Take Oklahoma City for example. There is an unhealthy relationship between the only daily newspaper in OKC and one of the major network affiliates.

As a public servant, and a servant to the constitution and democracy please safeguard our rights as it relates to communication.

Thank You,

Peace, love, and light.

John

Norman, OK

Do you Yahoo!?
Yahoo! Tax Center - forms, calculators, tips, and more

EX PARTE OR LATE FILED Dkt 02-277

From: Allen Nelson
To: Mike Powell. kabernate@fcc.gov, Michael Copps, kjmwebe@fcc.gov. Commissioner Adelstein
Date: Thu, Feb 20, 2003 6:34 PM
Subject: Media Concentration, Copyright Law, and Free Enterprise

(also enclosed as a Word document file)

February 19, 2003

FCC
Washington, DC

Honorable Chairman and Commissioners,

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MAR 05 2003

Federal Communications Commission
Public Relations

Perhaps there is an easy way to curtail the current debate over media concentration as it pertains to radio broadcasting encourage Congress to modify copyright law putting audio webcasters on equal footing with radio broadcasters

The way things are now, webcasting is being held back by unfair treatment of copyright law that, over the years, seems to have veered off course losing connection to common sense and how technology has drastically changed both the marketplace for audio entertainment and for music sales.

I stumbled onto this royalty issue while exploring investment opportunities into Internet radio. The current CARP mandated performance royalties for webcasters are too high by a magnitude of 10 to make any advertiser supported business model pencil out for a stand-alone webcasting venture. The recent SWSA agreement is not a solution since **the** royalty percentage at 10 to 12 percent is still too high, and since the revenue limits to qualify for SWSA are so low they do not help any person looking to build a sizable webcasting business.

Unlike broadcasting, the Internet allows, but does not require, users to interact with the music provider to more precisely determine the playlist of music they would like to hear as well as providing for subscription opportunities. The copyright law does address this issue and provides a statutory license to non-interactive webcasters. These non-interactive webcasters are identical to radio broadcasters in that listeners cannot directly influence or determine playlists. However, while non-interactive webcasters and radio broadcasters are on par with their permissible programming capabilities, there is discriminatory treatment with the statutory performance royalties they must pay. Radio broadcasters pay nothing and webcasters are levied with a royalty fee that is at least 10% of revenues acting as an unfair discriminatory tax.

Why is this? For years there has been a symbiotic relation between broadcasters and record companies where both **prospered because of** restricted distribution channels. The only mass media source for music exposure being radio airplay and the only way to acquire the music being through vinyl record, then CD, purchases. The promotional value rationale the radio broadcasters used to escape paying royalties worked for both industries. More exposure led to ever increasing sales.

1

Alas. technology is assaulting the good ole world. Playlist music can now be heard through various other means of distribution and many listeners, **after** being exposed to music they enjoy, are downloading files rather than buying CDs.

There is an excellent argument to be made that performance royalties should be paid to artists since they are providing the raw materials for broadcasters and webcasters. This is especially true if the promotional value rationale is now in question. However, common sense dictates, and free enterprise requires, that whatever reasonable, economically viable royalty fee is determined should apply to radio broadcasters and non-interactive webcasters alike since they both are delivering an identical end product centrally predetermined music playlists simultaneously delivered to human ears through speakers. To do otherwise greatly distorts the market system and does not acknowledge how technology has radically reshaped the landscape.

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Federal Communications Commission
Office of the Secretary

Lets look at the premise that technical differences of the delivery method make broadcasters and webcasters sufficiently different to deserve differential treatment. Unlike downloaded media, saving the music as a file for future use is not easy to do with streaming audio. It is very important to note that Personal Digital Recorders now allow users to take an analog signal and save it as a digital file, meaning an FM broadcast can also be turned into a digital file. Quality of audio is another issue. In reality, many webcasters are streaming at low bitrates to conserve bandwidth expense making the sound quality of streaming actually inferior to FM. If quality of audio is a consideration for providing a level playing field, then webcasters can be forced to stream at or below a bitrate equaling FM analog quality to quality for equal copyright treatment.

The fact that iBiquity digital audio streams now being deployed by broadcasters are exempt from performance royalties since they are delivered through FCC licensed broadcast towers while Internet digital audio streams delivered through a WiFi antenna must pay the royalty is further evidence of how copyright law is making a distinction without a difference causing unintended, deleterious consequences to fair competition.

If radio broadcasting and non-interactive webcasting are put on a level royalty playing field with each paying an equal, economically viable fee, the radio concentration problem will begin to dissipate. Radio webcasting will pencil out as a business model, capital will flow into the industry, new webcasting companies will find creative programming and promotional ways to attract listeners, and consumers will be given more choice. In short, the free market will do its thing.

To encourage a more open, diverse, and less concentrated audio marketplace, the FCC should recommend to Congress that the DMCA be rewritten to allow for equal treatment between radio broadcasters and non-interactive webcasters since both provide an identical end user service with no nefarious **uses** derived from the slight and ever narrowing **difference** in distribution means.

The current copyright law is fostering an anti-competitive environment that needs to be challenged. Capitalism and free enterprise are important. In this audio marketplace theyre not getting a fair shake.

Thank you for your time and consideration,

Allen Nelson

Concerned Citizen seeking a vibrant capitalistic system and competitive media industry

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<http://join.msn.com/?page=features/featuredemail>

EX PARTE OR LATE FILED

2 - 277

From: Terrance A. Davis
To: Mike Powell
Date: 2/27/03 12:30PM
Subject: FCC Debates Media Ownership Rules

Sir,

I read with interest the article below

<http://www.nytimes.com/aponline/nationalIAP-Media-Ownership.html>
 From the article

--

The agency's five commissioners heard public and industry comments at a hearing as one of the final steps in its review, which will probably be completed in May.

It is widely believed that Powell and two other Republicans on the commission want to loosen regulations.

Commissioner Michael Copps, a Democrat, said the decisions the FCC will make could alter the landscape of news and entertainment programming.

"I am concerned because I think we don't yet know the potential implications of our actions," Copps said.

David Croteau, a sociology professor at Virginia Commonwealth University, echoed Copps' concerns.

"We have enough evidence now to serve as a warning," he said in prepared remarks. "Less regulation will be a windfall for a few giant media corporations. It is likely to be a huge mistake for the rest of us."

--

I am writing you to voice my opposition to repealing any restrictions that will result in fewer people owning a larger share of media.

Rather, I think restrictions should be tightened in the following areas.

Forbid control of telecommunications / cable networks by news organizations
 (the example here would be AOL/TW with CNN and TW Cable broadband)

Justification -- by controlling the cable, they control the channel selection,

or cost of carriage, and thus they control what America sees

Lessen the percentage of coverage a single media company could control
 (currently I think its 35 % by reports I've read.)

Justification -- news organizations have become corporate offices with little

interest in pursuing the truth as there is risk associated with creating attention some other corporation might view as detrimental. Smaller organizations would promote more competition, more aggressive reporting, more truth for America, unhindered by corporate profit issues.

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 Federal Communications Commission
 Office of the Secretary

Continue ban on owning news / television media within a market

Justification -- obviously the reasons for this regulation have hardly changed,

in fact there is more justification than ever, in particular with the degree of large scale corporate corruption recently. The article states "'cross-ownership' of a newspaper and a broadcast station can enhance the quality and quantity of news and local information' Enhance a single viewpoint assuredly.

Implement restriction on control of satellites by media companies.

Justification -- by controlling the satellite, they control the channel selection,

or cost of carriage, and thus they control what America sees

In short, its clear that what keeps America informed is a free press not controlled by a small group of powerful investors, free to report on issues large corporations could find uncomfortable for a variety of reasons, with opportunity for more viewpoints not less. The emergence of the Internet and Satellite communications broadens the need for regulation, not lessens it.

Thanks

T Davis

February 19, 2003

FCC
Washington, DC

Honorable Chairman and Commissioners,

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Perhaps there is an easy way to curtail the current debate over media concentration as it pertains to radio broadcasting – encourage Congress to modify copyright law putting audio webcasters on equal footing with radio broadcasters.

The way things are now, webcasting is being held back by unfair treatment of copyright law that, over the years, seems to have veered *off* course losing connection to common sense and how technology has drastically changed both the marketplace for audio entertainment and for music sales.

I stumbled onto this royalty issue while exploring investment opportunities into Internet radio. The current CARP mandated performance royalties for webcasters are too high by a magnitude of 10 to make any advertiser supported business model pencil out for a stand-alone webcasting venture. The recent SWSA agreement is not a solution since the royalty percentage at 10 to 12 percent is still too high, and since the revenue limits to qualify for SWSA are so low they do not help any person looking to build a sizable webcasting business.

Unlike broadcasting, the Internet allows, but does not require, users to interact with the music provider to more precisely determine the playlist of music they would like to hear as well as providing for subscription opportunities. The copyright law does address this issue and provides a statutory license to non-interactive webcasters. These non-interactive webcasters are identical to radio broadcasters in that listeners cannot directly influence or determine playlists. However, while non-interactive webcasters and radio broadcasters are on par with their permissible programming capabilities, there is discriminatory treatment with the statutory Performance royalties they must pay. Radio broadcasters pay nothing and webcasters are levied with a royalty fee that is at least 10% of revenues acting as an unfair discriminatory tax.

Why is this? For years there has been a symbiotic relation between broadcasters and record companies where both prospered because of restricted distribution channels. The only mass media source for music exposure being radio airplay and the only way to acquire the music being through vinyl record, then CD, purchases. The "promotional value" rationale the radio broadcasters used to escape paying royalties worked for both industries. More exposure led to ever increasing sales.

Alas, technology is assaulting the good ole world. Playlist music can now be heard through various other means of distribution and many listeners, after being exposed to music they enjoy, are downloading files rather than buying CDs.

There is an excellent argument to be made that performance royalties should be paid to artists since they are providing the raw materials for broadcasters and webcasters. This is especially true if the "promotional value" rationale is now in

question. However, common sense dictates, and free enterprise requires, that whatever reasonable, economically viable royalty fee is determined should apply to radio broadcasters and non-interactive webcasters alike since they both are delivering an identical end product – centrally predetermined music playlists simultaneously delivered to human ears through speakers. To do otherwise greatly distorts the market system and does not acknowledge how technology has radically reshaped the landscape.

Let's look at the premise that technical differences of the delivery method make broadcasters and webcasters sufficiently different to deserve differential treatment. Unlike downloaded media, saving the music as a file for future use is not easy to do with streaming audio. It is very important to note that Personal Digital Recorders now allow users to take an analog signal and save it as a digital file, meaning an FM broadcast can also be turned into a digital file. Quality of audio is another issue. In reality, many webcasters are streaming at low bitrates to conserve bandwidth expense making the sound quality of streaming actually inferior to FM. If quality of audio is a consideration for providing a level playing field, then webcasters can be forced to stream at or below a bitrate equaling FM analog quality to qualify for equal copyright treatment.

The fact that iBiquity digital audio streams now being deployed by broadcasters are exempt from performance royalties since they are delivered through FCC licensed broadcast towers while Internet digital audio streams delivered through a WiFi antenna must pay the royalty is further evidence of how copyright law is making a distinction without a difference causing unintended, deleterious consequences to fair competition.

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The current copyright law is fostering an anti-competitive environment that needs to be challenged. Capitalism and free enterprise are important. In this audio marketplace they're not getting a fair shake.

Thank you for your time and consideration,

Allen Nelson
Concerned Citizen seeking a vibrant capitalistic system and competitive media industry

From: Elizabeth Feist
To: Mike Powell, Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner, AD
Adelstein
Date: Thu, Feb 20, 2003 8:17 PM
Subject: FCC Rules on Network Unbundling for Local Phone Companies

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FEB 20 2003
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

Dear Commission

You blew it on your decision regarding unbundling. You took a no brainer & went the other way. What politicians got paid off and gave you pressure. If I came to you & asked you to sub-lease me some of your office space, but you will take a 50% lose for any space you lease to me. You would throw me out of your office.

Do you realize how many jobs you have cost this country. It makes no sense for the local phone companies to maintain, upgrade or invest in new facilities and/or equipment just to resell it at a loss. I work for SBC and I am seeing many of my coworkers put out on the street. I now will have to work more years because my 401K just went to hell (this means another job not back filled). The only jobs you managed to secure are minimum wage telemarketers for the AT&Ts and MCIs. There is no need for them to hire skilled workers either.

You reward MCI Worldcom who has lied stole & cheated. They filed bankruptcy, and now may not have to payback millions of dollars they already owe the local phone companies. Could it be that many politicians own too much Worldcom stock.

I would like to thank Mr. Powell on his efforts in trying to straiten out the mess. But all the rest of you did was push the decision on to the local states. Which now it will go to court in each state. What a waste of time and money. Oh you did save some jobs, the attorneys will get rich.

Thank You For Your Time

Kevin Feist

From: Diane DeRoker
To: Mike Powell
Date: Sat, Feb 22, 2003 6:49 AM
Subject: media domination

I am respectfully requesting the FCC to seriously consider the ever increasing domination of the media by large corporations and the diminished input of the general public regarding airway decisions..the decrease in competen of local and small stations is a major concern and the rights of access to free speach and expression are in serious jeoprady..they belong to the people, not large organiations who are manipulating the general population.

FEB 22 2003

MAR 05 2003

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20541

From: Barry Joseph
To: senator@torricelli.senate.gov, Frank-Lautenberg@Lautenberg.senate.gov, Mike Powell, Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein
Date: Sat, Feb 22, 2003 8:49 PM
Subject: Media Abuses

From. Joan Myers

Barry Joseph

14 West Lake Road

Medford, NJ 08055-8104

Email: Bazhooksup@comcast.net

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MAR - 5 2003

Federal Communications Commission
Office of the Secretary

To Representative H. James Saxton
Senator Robert Torricelli
Senator Frank R. Lautenberg
FCC Chairman Michael K. Powell
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein

Dear Sirs and Madam:

For several years we feel that the quality of the news media has declined, the proliferation of commercials has made most viewing intolerable, and private monopolistic interests have dictated what we are allowed to see and hear. In short, we agree with Bill Moyers of PBS that the public no longer has control of its own media. In our opinion, neither our communities nor we are included in the decisions affecting a free and independent press. We are uninformed because "nobody is minding the store." If it weren't for public television we probably wouldn't have picked up on this issue although it is fundamental to our freedoms. But public television does not reach **us** at the diverse community level. Therefore, **we** urge you to correct the abuses that have led to a number of disturbing trends.

* Concentrated ownership of media at national, regional, and local levels

Inadequate public involvement and debate on licenses and ownership

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MAR 05 2013

Inadequate public participation in fundamental FCC decisions

* Inadequate international investigation and reporting on disagreements with **US** policy. **A** lack of objective reporting on "why" people disagree with us.

* Insidious exploitation using commercials on children's shows

These observations, in concert with government's reduced support of Public Television, suggests that media is little more than an outlet for propaganda and marketing. This certainly **is** not in the spirit of a "well informed" public.

Very truly yours,

Joan Myers

Barry Joseph

From: Kevin Clark
To: Mike Powell
Date: Sun, Feb 23, 2003 2:47 PM
Subject: Please limit further media consolidation

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Dear Sirs.

As a result of the communications act of 1996, the radio industry has undergone tremendous consolidation. As larger companies own more and more stations, the diversity of viewpoints represented and in programming types has decreased dramatically. Please do not allow further consolidation in either the radio or television industries. Democracy would be much better **served** by more media outlets and more diverse ownership rather than less.

Sincerely,

Kevin Clark
608 Kingsley St. Apt. 1
Normal, IL 61761

CC: Michael Copps

From: Jim Pillers
To: Mike Powell
Date: Mon, Feb 24, 2003 1:51 PM
Subject: Media Ownership...

Dear Sir,

I believe it is in the best interest of the country and democracy not to allow a corporation the opportunity for majority ownership of radio and television stations in a single market.

This keeps a market's news coverage more accurate and less biased by a corporation's dictates or philosophies.

Thank you,
Jim Pillers
3317 Crestforest Circle
Plano, TX 75074

Add photos to your e-mail with MSN 8 Get 2 months FREE'.
<http://join.msn.com/?page=features/featuredemail>

From: John Rook
To: Commissioner Adelstein
Date: Mon, Feb 24, 2003 4:36 PM
Subject: Comments to the Commissioner

John Rook (John@JohnRook.com) writes:

Earthquake Coverage. The Saturday morning earthquake at 4:19 a.m. caused severe swaying in my home. A quick check of radio found that KFWB and **KNX** were on the story KFI, nothing. KFI prides itself with the liner: "KFI News on the hour, on the half and....when it breaks." There was no earthquake news on KFI until the regular newscast at 5:00 a.m.
Another example of what happens when Clear Channel doesn't have live programming....

Server protocol: HTTP/1.0
Remote host: 66.82.9.26
Remote IP address: 66.82.9.26

From: holiday thomas
To: Commissioner Adelstein
Date: Mon, Feb 24, 2003 10:52 PM
Subject: Topic to consider

I know the FCC is occupied with so many important issues as to not be able to consider anything as trivial as the security of employment among employees of licensed broadcasters. But if you have one receptive moment, let it be about that. Far too long in this industry. families get displaced because managers are subject to the capricious whims of Radio Station ownership. If there is ever a small slot in your future considerations about the industry that is licensed to serve the public interests, let it be to investigate the needless turnover of employees at the local station level. Thank you.

--- holiday thomas
--- tjholiday@earthlink.net
--- EarthLink: The #1 provider of the Real Internet.

From: Rich12332@cs.com
To: KM KJMWEB
Date: Mon, Feb 24, 2003 10:59 PM
Subject: Before the F C C One-day public field hearing Richmond Convention Center

Before the
Federal Communication Commission
One-day public field hearing
Richmond Convention Center
Ballroom Building, Level 1, Meeting Room 15AB
403 N. Third Street
Richmond, Virginia

In the Matters of)

)
Cross-Ownership of Broadcast Stations and Newspapers) MM Docket No. 01-235
)
Newspaper/Radio Cross-Ownership Waiver Policy) MM Docket No. 96-197
)

Introduction

The Federal Communications Commission has initiated Notice Of Proposed Rule Making, and this one-day public field hearing, to give the general public an opportunity to voice its opinions about broadcast ownership rules. The Commission has asked commenters to provide specific information about the effects of media combinations in their markets.

Public-spirited groups and individuals often cannot muster sufficient resources to conduct even limited monitoring of program content. The laborious perusal of documentary evidence will likely be the main barrier to those who argue for the public interest.

Consequently the FCC has a duty to conduct an objective investigation into complaints from the public, because the FCC can use governmental powers and subpoenas to obtain information not available to the general public. An FCC policy that shifts the burden of proof as spelled out in *Office of Communication of United Church of Christ v. FCC* No. 19,409, D.C. Cir. June 20, 1965 would give the public a real opportunity to be heard. Government risks suffering from public apathy and lack of public support when it is perceived to listen only to the rich and powerful.

The Telecommunication Act of 1996 instructed the Commission to revise particular ownership rules and waiver policies, but the newspaper/broadcast cross-ownership rule and waiver policies were not among those to be considered. Legislative history of this act shows Congress considered and rejected making changes to the newspaper/broadcast cross-ownership policies. #

The Supreme Court has upheld the newspaper/broadcast ownership rule against a challenge in *FCC v. National Citizens Comm. for Broadcasting* 436 U.S. 775 (1978) (NCCB) finding that diversification of ownership would enhance the possibility of achieving greater diversity of viewpoints.

The dual goals of diversity and competition will not be served by repeal of the newspaper/broadcast cross-ownership rules.

Specific Information

Rumors of the elimination of the Newspaper/Broadcast cross-ownership rule have already led to proposed sales of radio stations. Bonneville International Corporation has announced its intention to buy 15 radio stations from Simmons Media Group, because according to its web site, Bonneville believes "the FCC will eliminate the rule." That web site also boasts it "is the 12th-largest radio operator in the country. based on

audience reach and revenues.'

Bonneville is the media arm of the Church of Jesus Christ of Latter Day Saints, aka the Mormon Church. In northern Utah (the Salt Lake Metro area) the Mormon Church already owns KSL-TV and KSL-AM. It also owns educational TV and radio stations, and interests in cable **N**. It even has its own cable **N** channel. The Church also owns the Deseret News, a Salt Lake daily newspaper, and has veto power Over who can own the other daily, the Salt Lake Tribune, although this ownership is still an issue in federal court. The Deseret News and the Salt Lake Tribune do business under a joint operating agreement,

The sale of Simmons Radio Stations to Bonneville would give the Mormon Church three of the five top-rated radio stations in northern Utah.

In southern Utah the Mormon Church owns KCSG-TV channel 14 in Cedar City and St. George, Utah, and the sale would give the Church two AM and two FM stations in this small community.

In Idaho the Mormon Church operates two FM stations in Rexburg through its BYU-Idaho campus. KBYI FM 100.5 broadcasts at a power of 100,000 watts to southeastern Idaho. KBYR FM 95.5 provides round-the-clock programming that, according to its web site, is a pleasant mix of over 1500 songs, devotionals, General Conference reports, talks from Educational Week, and symposia sponsored by BYU and BYU-Idaho. The site reports that listeners are offered a safe haven with uplifting music and messages of hope and inspiration.

The Simmons-Bonneville sale would give the Mormon Church five new FM stations and three AM stations in this small southeastern Idaho community.

The people of Utah and Idaho have a right to be protected from a degree of media concentration that is repugnant to antitrust principles and inconsistent with the 1996 Communication Act's goal of providing for the expression of diverse views.

In *Red Lion Broadcasting Co. v. FCC* (395 U.S. 367, 390, (1969)) it states:

"It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by government itself or a private licensee ... it is the right of the public to receive suitable access to social, political, aesthetic, moral and other ideas and experiences which **is** crucial here."

Many Utahns and Idahoans are concerned that Mormon Church media are used to propagate religion and protect it from outside scrutiny by exerting undue influence on matters of public importance. We no longer have a "Fairness Doctrine", and what scares some non-Mormons is not that Mormons have a voice, but that they might be the only voice allowed to be aired.

Past experiences with Mormon Media have led many to be wary. After all, this is the Church that bought "historical documents" from notorious forger/bomber Mark Hoffman, to keep them out of public view. Then KSL-AM aired a groundless story that Gary Sheets, husband of one of the bombing victims, was having marital problems, misleading the public into thinking Sheets and not the Church, had something to do with the bombings.

KSL-TV also aired a groundless story about financial problems at Foothill Financial that created a run on its assets and led to its closing.

Given a consistent pattern of KSL-TV censoring programs, including refusing to air Saturday Night Live and taking the Jay Leno Show off the air for one night because of content, why would the FCC want to eliminate a rule which could protect Utah and Idaho citizens from being unable to receive diverse views?

Congress and the Courts have not given the FCC guidance to change the cross-ownership rule. The FCC should wait to change the anti-monopoly rules until it can be seen that governmental countenance of

monopolization will not result in the failure of a free market of ideas. Preservation of our free market of ideas is essential to American Democracy, and should be our primary concern.

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